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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

8 MARTIN DIAZ-AMEZCUA,

9 Petitioner,

10 v.

11 MATTHEW G WHITAKER, et al.,

12 Respondents.
13

Case No. C19-0001-BJR-MAT

REPORT AND RECOMMENDATION

14 This is an immigration habeas action. On October 23, 2019, petitioner, who is represented
15 by counsel, filed an unopposed motion for voluntary dismissal under Federal Rule Civil Procedure
16 41(a)(1). (Dkt. 14.) In the ordinary course, such a motion would result in the case being closed
17 without a court order. The Court, however, had previously entered a temporary stay of removal.
18 (Dkt. 2.) Plaintiff's motion for voluntary dismissal did not address whether the stay should
19 continue or be vacated. (*See* Dkt. 14.) At the direction of the Court, the parties filed a joint status
20 report agreeing that the temporary stay of removal should be lifted and the case should be
21 dismissed. (Dkt. 16.)

22 Accordingly, the Court recommends that petitioner's motion for voluntary dismissal (Dkt.
23 14) be GRANTED, the temporary stay of removal (Dkt. 2) be VACATED, and this action be

1 DISMISSED without prejudice and without an award of costs or fees to either party. A proposed
2 order accompanies this Report and Recommendation.

3 The Clerk is directed to note this matter as immediately ready for the consideration of the
4 Honorable Barbara J. Rothstein, and to send copies of this Report and Recommendation to the
5 parties.

6 Dated this 19th day of November, 2019.

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9 Mary Alice Theiler
United States Magistrate Judge